



**COUNTY GOVERNMENT OF NAIROBI CITY**

**THIRD ASSEMBLY – (FIRST SESSION)**

**NAIROBI CITY COUNTY ASSEMBLY**

**VOTES AND PROCEEDINGS**

**THURSDAY, SEPTEMBER 29, 2022 AT 9.00 A.M.**

1. The Assembly assembled at Nine O'clock.
2. The Proceedings were opened with Prayer said by the Clerk.

**3. COMMUNICATION FROM THE CLERK ON THE FIRST SITTING OF THE COUNTY ASSEMBLY**

The Clerk of the Assembly issued the following Communication -

**“Hon. Members**, on behalf of the staff of the Nairobi City County Assembly and on my own behalf, I wish to sincerely congratulate all of you on your election as Members of this august House.

I further wish to welcome you to this first sitting of the Third Assembly of Nairobi City County Assembly and take this special opportunity to welcome back all Members who served in the Second and previous Assemblies and have been re-elected. I also extend a special welcome to Members joining us for the very first time.

**Hon. Members**, before we proceed with the business ahead of us, may I inform the house that for your convenience during this sitting, the rest rooms are located on the ground floor on your right side as you enter from the main gate. The other one is located in the Speaker’s holding room area accessible from the door on my right up on the podium. Further, in terms of sitting arrangement, for purposes of this First Sitting, Hon. Members are free to sit on **any available** sit and on any side of the Chamber. However, as you will realize going forward, once the Assembly shall be fully constituted, there shall be seats designated for the Deputy Speaker, the Majority Leader, the Minority Leader and the Chief Whips as provided for in Standing Order 253.

**Hon. Members**, also note that the County Assembly and its Committees has now fully resumed its physical sittings following the removal of Covid-19 restrictions that had been imposed during the term of the Second Assembly.

**Hon. Members**, today's sitting is the outcome of several activities that preceded our gathering here for this historic occasion. First and foremost, Section 3 of the County Governments (Amendment) Act, No. 11 of 2020 as read together with Standing Order 4 of the Nairobi City County Assembly Standing Orders provides that *whenever a new County Assembly is elected, the **Governor**, by notice in the Kenya Gazette and/or the County Gazette, shall appoint the place and date of the first sitting of the new County Assembly, which date shall not be later **than thirty days** on which the County Assembly shall be **fully constituted** as provided for under Section 7 of the County Governments Act, No. 17 of 2012*

Accordingly, His Excellency the Governor of the Nairobi City County notified this First Sitting of the Third Assembly of Nairobi City County Assembly vide Legal Notice **No.11276** of **2022** dated **22<sup>nd</sup> September, 2022**.

**Hon. Members**, Standing Order 4(2) (a) provides that *“On the first sitting of a new County Assembly after a general election, the Clerk shall read the notification convening the First County Assembly as published in the Kenya Gazette and the County Gazette.”*

**Hon. Members** May I now read the notification by the Governor.

*“NOTICE is given to the general public and all elected and nominated Members of the County Assembly of Nairobi City that pursuant to Section 7 (B) of the County Governments(Amendment) Act, 2020 and Standing Order 4(1) of the Nairobi City County Assembly Standing Orders, I Sakaja Arthur Johnson, Governor of the County of Nairobi City, appoint that the First Sitting of the 3<sup>rd</sup> Nairobi City County Assembly shall be held at the Nairobi City County Assembly Chambers, Nairobi City, on Thursday 29<sup>th</sup> September, 2022 at 9.00 am”*

**Hon. Members**, having laid out the basis for today's sitting, we shall now proceed to the **next Order.**”

#### **4. COMMUNICATION FROM THE CLERK ON THE LAYING OF THE GAZETTE NOTICES FOR DECLARATION OF MEMBERS ELECTED TO THE COUNTY ASSEMBLY**

The Clerk of the Assembly issued the following Communication -

**“Hon. Members**, Standing Order 4(2) (a) provides that, “on the First Sitting of a County Assembly after a general election, the Clerk shall read the notification of the convening of the County Assembly as published in the Kenya Gazette and/or the County Gazette.”

**Hon. Members**, this has now been done.

Further, Standing Order 4(2) (b) provides that, “on the first sitting of a new County Assembly after a general election, the Clerk shall lay a list of the names of the persons elected as Members on the Table of the County Assembly.”

Hon. Members, by elected, it means, members elected from the 85 Wards in Nairobi City County, and the equivalent number of nominated Members of County Assembly who have been nominated pursuant to the provisions of Article 177(1) (b) and (c) of the Constitution. Indeed, I confirm that I have prepared a list containing the names of all persons elected as members of the County Assembly save for the Member for Utawala Ward where elections were not held in that Ward in the last general elections.

**Hon. Members**, the elected Members of the Nairobi City County Assembly were formally declared vide Gazette Notice No. 9952 dated 24<sup>th</sup> August, 2022 and Gazette Notice No. 10712 dated 9<sup>th</sup> September, 2022.

I, therefore, direct the Clerk at the Table to lay the list of elected members of the County Assembly on the table of the Assembly Pursuant to Standing Order 4(2) (b).

Hon. Members, having dispensed with the requirements of Standing Order 4(2) (b), we will now proceed to the next Order.”

## **5. PAPERS LAID:-**

The following Papers were laid on the Table of the Assembly, pursuant to Standing Order 4(2) (b) –

- 1) Gazette Notice No. 9956 dated 24<sup>th</sup> August, 2022, containing the names of the persons elected as Members of the County Assembly, pursuant to Article 177(1)(a) of the Constitution of Kenya 2010;
- 2) Gazette Notice No. 10535 dated 6<sup>th</sup> September, 2022, containing the name of the person elected as Member of the County Assembly, pursuant to Article 177(1)(a) of the Constitution of Kenya 2010; and
- 3) Gazette Notice No. 10712 dated 9<sup>th</sup> September, 2022, containing the names of the persons nominated as Members of the County Assembly, pursuant to Article 177(1)(b) and (c) of the Constitution of Kenya 2010.

*(Director, Legislative Services)*

**6. COMMUNICATION FROM THE CLERK ON THE PROCEDURE TO BE FOLLOWED IN ADMINISTRATION OF OATH/ AFFIRMATION OF OFFICE TO THE MEMBERS OF THE COUNTY ASSEMBLY**

The Clerk of the Assembly issued the following Communication -

**“Hon. Members, Hon. Members,** the Constitution of Kenya under Article 74 provides that, *“before assuming a State office, acting in a State office, or performing any functions of a State office, a person shall take and subscribe the oath or affirmation of office, in the manner and form prescribed by the Third Schedule or under an Act of Parliament.”*

As you are aware, **Hon. Members,** the Office of a Member of County Assembly is among those defined as a State office under Article 260 of the Constitution.

**Hon. Members,** the said Oath or Affirmation as highlighted above is indeed specifically detailed under the First Schedule to the County Governments Act, 2012.

Further, **Hon. Members,** Standing Order 4(2) (c) requires that on the first sitting of a new County Assembly, pursuant to the Governor’s notification under Standing Order 27 of the County Assembly Standing Orders, the Clerk shall administer the Oath or Affirmation of Office provided for in the First Schedule to the County Governments Act, 2012 to all Members present in the Assembly in the order set out in Standing Order 4(3).

Specifically, Standing Order No. 4 (3) provides that: -

*“The Clerk shall administer the Oath or Affirmation of Office to Members of the County Assembly in alphabetical order using the following order of precedence:*

- a) Members living with disabilities;*
- b) Members with the longest cumulative period of service in the County Assembly;*
- c) Members with the longest cumulative period of service in any local authority existing prior to the final announcement of all the results of County Assembly as contemplated under section 2 of the Sixth Schedule to the Constitution*
- d) All Members.”*

Further, Standing Order 4(5) further provides that:-

*“When the Clerk is administering the Oath or Affirmation of Office to Members and before the Clerk has administered the Oath or Affirmation of Office to the Speaker, any question arising in the*

*County Assembly shall be determined by the Clerk who shall, during that period, exercise the powers of the Speaker.”*

**Hon. Members**, I wish to inform that unless a person elected to this Assembly takes and subscribes to the oath prescribed by the First Schedule to the County Governments Act, 2012, he or she shall not assume or perform any functions associated with the office of a Member of the County Assembly including the election of the Speaker and Deputy Speaker for the purposes of today’s sitting.

Accordingly, **Hon. Members**, in order to comply with the provisions of the Constitution and the County Governments Act, 2012, as well as our own Standing Orders, the first substantive business of a new County Assembly is the swearing in of Members of County Assembly.

**Hon. Members**, for the convenience of the County Assembly, we will administer the Oath beginning with Members with disabilities who, for any reason or the other, may not be able to approach the Chair, and thereafter proceed with the list which has been distributed to members as annexure to the Order Paper.

I wish to remind Members that this is a sitting of the County Assembly and, therefore, Members are expected to be orderly in their conduct and follow the rules of procedure as per our Standing Orders Established precedent, customs, procedures and traditions of the Assembly.

**Hon. Members**, the swearing-in shall proceed pursuant to the provisions of Standing Order No. 4 (3), as earlier highlighted. The Clerks-at-the-Table, shall call the names of Members for purposes of swearing - in in the order outlined.

The Member so called shall proceed to the lectern (marked as station 1 on the diagram annexed to today’s paper) to take and ascribe to the oath or Affirmation.

**Hon. Members**, once sworn in, a Member shall then proceed to Station 2 (located directly in front of the dispatch box) for signing of Oath Book, Oath Certificate and the Integrity Code, after which he/she shall resume his/her seat.

**Hon. Members**, having laid out the procedure to be followed in this exercise, I now proceed to swear in Members with disability.”

**7. ADMINISTRATION OF OATH/AFFIRMATION OF OFFICE**

The Clerk administered the Oath/Affirmation of Office to Members of the County Assembly in the order of precedence in alphabetical order in line with Standing Order starting with person with disability as indicated below:-

<b><u>NAME</u></b>	<b><u>WARD</u></b>
1. Kados Paul Muiruri Kiguathi	Mihango
2. Robert Mbatia	Kariobangi South
3. Catherine Opiyo	Nominated Member
4. Alvin Olando Palapala	Kitisuru
5. Anthony Kiragu Karanja	Waithaka
6. Chege Mwaura	Ngara
7. Clarence Munga	Kabiro
8. Fredrick Njogu Njoroge	Kawangware
9. Imwatok Peter Jateso	Makongeni
10. Jane Muasya	Nominated Member
11. Moses Ogeto Nyangaresi	Kilimani
12. Peter Wahinya Njau	Pangani
13. Wilfred Oluoch Odalo	Mabatini
14. Athman Hashim Kamau	California
15. Daniel Oria Odhiambo	Dandora Area IV
16. Kamau Thuo Fiunifiu	Karura
17. Nancy Mwaura Nyambura	Nominated Member
18. Oscar Otieno Lore	Mathare North
19. Peter Owera Oluoch	Huruma
20. Antony Kimemia Gathumbi	Harambee
21. Antony Mburu Jasho Ngaruiyah	Kasarani
22. Asli Muhamud Mohamed	Nominated Member
23. Emily Oduor	Nominated Member
24. Esther Chege Waithera	Nairobi South
25. Fuad Hussein Mohamed	Airbase
26. Geoffrey Odhiambo Majiwa	Baba Dogo
27. Jared Akama Ondieki	Mugumoini
28. Jeremiah Karani Themendu	Kayole Central
29. Kamau Joyce Muthoni	Nominated Member
30. Kennedy Odhiambo Oyugi	Nyayo Highrise
31. Lawrence Otieno Odhiambo	Sarangombe
32. Mark Mugambi Macharia Kevin	Umoja I
33. Mary Wanjiru Kariuki	Nominated Member
34. Maurice Ochieng Onyango	Mountain-View
35. Paul Irungu Ndung'u	Pumwani
36. Redson Otieno Onyango	Ngei
37. Rosemary Masitsa Shitote	Makina
38. Samora Mwaura Wacira	Clay City
39. Silas Matara Ongwae	Dandora Area II
40. Stazo Elijah Omung'ala Ang'ila	Upper Savannah
41. Susan Makungu Kavaya	Mlango Kubwa

42.	Cyrus Mugo Mubea	Ngando
43.	Aaron Kangara Wangare	Viwandani
44.	Abass Ibrahim Khalif	South C
45.	Abel Osumba Atito	Utalii
46.	Absalom Odhiambo Onyango	Korogocho
47.	Agnes Wambui Njeri	Nominated Member
48.	Allan Maina Gathuku	Dandora Area I
49.	Ami Peres Auma Ambala	Nominated Member
50.	Antony Maragu Muthoni	Karen
51.	Beatrice Wandai Khungwa	Nominated Member
52.	Benter Juma Obiero	Nominated Member
53.	Billy Richardo Nyantika	Embakasi
54.	Bosire Naomi Kerubo	Nominated Member
55.	Carrington Gichunji Heho	Njiru
56.	Chris Wanjohi Githinji Mutumishi	Komarock
57.	Clement Nganga Kamaru	Kahawa West
58.	Colins Omondi Ogenga	Kayole South
59.	Dabar Ahmedqadar Mohamed	Eastleigh North
60.	Davidson Dng Ngibuini	Woodley/Kenyatta Golf Course
61.	David Magoba Odhiambo	Lower Savanna
62.	Deonysias Mwangi Waithera	Githurai
63.	Doreen Mugambi	Nominated Member
64.	Emmy Khatemeshi Isalambo	Nominated Member
65.	Eric Kiogora Murigu	Riruta
66.	Eutyclus Mukiri Muriuki	Kahawa
67.	Evans Okaru Nyangicha	Imara Daima
68.	Farhiya Daud Aden	Nominated Member
69.	Fathiya Abdilahi Mohamed	Nominated Member
70.	Fatuma Abdiwahid Abey	Nominated Member
71.	Francis Kiragu Kimondo	Kwa Njenga
72.	Gerald Irungu Mukuru	Ziwani/Kariokor
73.	Gitau Stephen Ndegwa	Parklands/Highridge
74.	Hamisi Suleiman Maleya	Kangemi
75.	Hannah Wanjiru Muriuki	Nominated Member
76.	Hellen Awuor Okello	Nominated Member
77.	James Karanja Karis Kariuki	Ruai
78.	James Koria Karanja	Matopeni/Spring Valley
79.	Jane Musangi Muthembwa	Nominated Member
80.	Jane Wanjiru	Nominated Member
81.	Jeckoniah Junga Onyango	Nominated Member
82.	Jera Samson Ochieng' Ooko	Lindi
83.	Joel Munuve Kimanzi	Kariobangi North
84.	John Mwaniki Kwenya	Nairobi Central
85.	John Ndile Musila	Laini Saba

86.	John Rex Omolleh	Nairobi West
87.	Joseph Karanja Ndung'u	Kiamaiko
88.	Joyce Jamosa Lugonzo	Nominated Member
89.	Kanyi Jane Waruguru	Nominated Member
90.	Kennedy Swaka	Gatina
91.	Lily Akoth Kidenda	Nominated Member
92.	Machanje Shadrack Namunyu	Umoja 2
93.	Maina Rachel Wanjiru	Nominated Member
94.	Malyun Ali Abdi	Nominated Member
95.	Mande Scolastica Muthoni	Kwa Reuben
96.	Mark Thiga Ruyi	Hospital
97.	Martin Mbugua Mwangi	Mutuini
98.	Martin Wairobi Waithaka	Mowlem
99.	Moses Mutinda Kitema	Kware
100.	Mungai Grace Kaheti	Nominated Member
101.	Mponjiwa Perpetua	Nominated Member
102.	Musango Maithya	Pipeline
103.	Muthoni Agnes Njeri	Nominated Member
104.	Mwangangi Diana Katile	Nominated Member
105.	Mwangi Joy Muthoni	Nominated Member
106.	Nasra Shehan Harilal Nanda	Nominated Member
107.	Ndavua Brian Itenya	Youth
108.	Nicholas Juma Okwacho	Eastleigh South
109.	Njathi Ciciliah Wairimu	Nominated Member
110.	Ochola Victor Omondi	Lucky Summer
111.	Omuro Kame Adano	Nominated Member
112.	Otieno Lydia Akoth	Nominated Member
113.	Patrick Mwangi Macharia	Maringo/Hamza
114.	Paul Mathu Njambi	Dandora Area III
115.	Paul Wachira Kariuki	Kayole North
116.	Peter Maina Mwangi	Uthiru/Ruthimitu
117.	Robert Alai Onyango	Kileleshwa
118.	Samuel Kanyi Kago	Mwiki
119.	Simon Maina Mugo	Landimawe
120.	Stephen Mugo Kimani	Zimmerman
121.	Sospeter Gathahu Mumbi	Roysambu
122.	Tricer Jeptoo Ayabei	Nominated Member
123.	Virginia Waitherero	Nominated Member

**8. COMMUNICATION FROM THE CLERK ON THE PROCEDURE OF ELECTING THE SPEAKER**

The Clerk of the Assembly issued the following Communication -

“Welcome back **Hon. Members**. We are now supposed to proceed to the next. **Hon. Members**, I have a communication to make regarding the procedure to be followed in the election of the Speaker of the County Assembly. However, before we proceed I will first confirm whether we have the requisite quorum in the House.

- **Confirmation of Quorum**

**Hon. Members**, I wish to confirm that the Assembly is properly constituted in terms of Standing Order No. 35, which provides that a quorum of the County Assembly or of a Committee of the Whole County Assembly shall be a third of its members, which number is **41** members. From my counting and looking at the Membership seated in the Assembly, I can confirm that the Assembly is properly seated, having attained the **41** Members requirement.

**Hon. Members**, may I point out that this Communication is always issued to guide Members even in a normal process when we have an activity to carry out in the Assembly. So, allow me to read this Communication. Kindly follow it keenly so that it makes our work easier when it comes to electing the Speaker.

**Hon. Members**, His Excellency the Governor of the Nairobi City County notified of this first sitting of the 3<sup>rd</sup> Assembly of the Nairobi City County Assembly vide Legal Notice **No.11277 of 2022** dated **22<sup>nd</sup> September, 2022**.

**Hon. Members**, Article 178(1) of the Constitution provides that each County Assembly shall have a speaker elected by the County Assembly from among persons who are not members of the Assembly. In furtherance of the foregoing, Standing Order No. 5(1) of the Nairobi City County Assembly Standing Orders provides thus:-

*“A Speaker shall be elected when the County Assembly first meets after a General Election and before the County Assembly proceeds with the dispatch of any other business, except the administration of the Oath or Affirmation of Office to Members present.”*

Accordingly, the Office of the Speaker became vacant at the commencement of this sitting today in the morning, being the first sitting of a new County Assembly after an election.

**Hon. Members**, pursuant to the Standing Orders, a number of activities were required for the election of the Speaker before this first sitting. I will proceed to detail each activity and the manner in which we have complied with the Standing Orders.

First, Standing Order No. 6(1) provides:-

*“Upon the Governor notifying the place and date for the first sitting of a new County Assembly pursuant to Standing Order No. 4, the Clerk shall by notice in the Gazette notify that fact and invite interested persons to submit their nomination papers for election to the office of Speaker.”*

In exercise of the powers conferred by Standing Order No.6 (1), I notified the general public of a vacancy in the Office of the Speaker of the County Assembly via Gazette **Notice No. 11495** of **2022** dated **23<sup>rd</sup> September, 2022**. Additionally, I publicized the declaration of the vacancy by advertisement in two newspapers of national circulation.

**Hon. Members**, in the notice and advert, I invited interested persons who qualify to be elected as Members of County Assembly, but are not such Members to submit their nomination papers for election as Speaker of the County Assembly.

The following twenty four (24) persons collected nomination papers from my Office as at the close of the period prescribed for collecting the nomination papers which was **Monday, 26<sup>th</sup> September, 2022** at **5.00 pm** :-

1. Ahmed Dubon Subanea
2. Hon. Kennedy Okeyo Ng’ondi
3. John Kibet Keino
4. Kennedy Otieno Ondindo
5. Amimo Austine Ooko Okello
6. Hon. Anthony Kiragu Karanja
7. Hon. Benson Mutura
8. Richard Bosire
9. Arthur Ndung’u Ngugi
10. Hassan Robow Mohamed
11. Charles Kiyu Muratha
12. Anyanga Paul
13. Leonard Ng’etich
14. Aldrin Vundi Kasyoya
15. Brian M. Mutie
16. Alex Mwenda Miriti
17. Masaki Samwel Mokua
18. Peris Wanjiru Karanja
19. Michael Memusi
20. Alex Ouda Otieno

21. Jane Mugure Njau
22. Sylvian Josphine Njeri
23. Donesia Njeri Njagi
24. Rimshot Vigira Jackson

**Hon. Members**, as per the *Gazette Notice* and advertisement, a person who collected nomination papers was required to submit the completed papers together with his or her curriculum vitae and relevant supporting documents as detailed under the First Schedule to the Standing Orders to my Office not later than **9.00 a.m.** on **Tuesday, 27<sup>th</sup> September 2022**. This is in line with the provisions of Standing Order 6 (2) of our Standing Orders which requires that nomination papers should be returned to the Office of the Clerk at least forty-eight (48) hours before the County Assembly assembles for the purposes of the First Sitting.

Accordingly, **Hon. Members**, at the close of the nomination period, the following **nine (9)** persons had returned their nomination papers: -

1. Hon. Kennedy Okeyo Ng'ondi
2. Hon. Benson Kangara Mutura
3. Ahmed Dubon Subanea
4. Amimo Austine Ooko Okello
5. Arthur Ndungu Ngugi
6. Hassan Robow Mohamed
7. Charles Kiyo Muratha
8. Brian M. Mutie
9. Masaki Samwel Mokuia

**Hon. Members**, pursuant to the provisions of Article, 178 (1) and 193 of the Constitution, Section 21 (1) of the Elections Act, 2011, and Section 7 of the County Governments Act, 2012, out of the nine (9) persons who returned their nomination papers, only the following two (2) persons qualified as candidates for election as the Speaker of the County Assembly: -

- (i) **Hon. Kennedy Okeyo Ng'ondi; and**
- (ii) **Mr. Hassan Robow Mohammed.**

**Hon. Members**, Standing Order No. 6(5) requires that: -

*“The Clerk shall maintain a register in which shall be shown the date and time when each candidate’s nomination papers were received and shall ascertain that every such candidate for election to the office of Speaker is qualified to be elected as such under Article 193 of the Constitution.”*

I hereby confirm that a register has been maintained in accordance with the requirements of this Standing Order. In addition, **Hon. Members**, Standing Order No. 6 (6) requires that: -

*“Immediately upon the close of the nomination period provided for in paragraph (2), the Clerk shall-*

- (a) publicize and make available to all Members, a list showing all qualified candidates; and*
- (b) Make available to all Members, copies of the curriculum vitae of the qualified candidates”.*

**Hon. Members**, I hereby confirm that in my communication to all Members dated 27<sup>th</sup> September, 2022, a list showing all qualified candidates was publicized and was made available to all Members. I further confirm that I made available to all Members a list with extracts of the curriculum vitae of the qualified candidates. I further gave reasons for disqualifying the other seven (7) applicants.

**Hon. Members**, where more than one candidate qualifies to stand for election to the Office of the Speaker, as it is in the current circumstance, Standing Order 7 provides that the election of the Speaker shall be by secret ballot. Specifically, Standing Order 7 (2) provides that:-

*“(2) The Clerk shall, at the commencement of each ballot, cause the ballot box, empty and unlocked, to be displayed to the County Assembly and shall, in the presence of the County Assembly, lock the box, which shall thereafter be kept in the full view of the County Assembly until the conclusion of the ballot”.*

**Hon. Members**, with the help of my officers, I will do that shortly.

Further, **Hon. Members**, Standing Order No. 7(3) provides that *“the Clerk shall issue not more than one ballot paper to each Member who comes to the Table to obtain it and each Member who wishes to vote shall proceed to a booth or designated area provided by the Clerk for that purpose and located next to and within reasonable distance of the ballot box and shall, while there, mark the ballot paper by placing a mark in the space opposite the name of the candidate for whom the Member wishes to vote, fold the marked ballot paper before leaving the booth or area and place the folded ballot paper in the ballot box”.*

To facilitate this process, the name of each Member shall be called out; following which the Member shall come to the table Station 3, directly in front of the Clerks-at-the-Table and obtain a ballot paper.

**Hon. Members**, each Member shall then proceed to either of the two (2) polling booths which are clearly displayed and while there, mark

the ballot paper by placing a visible mark in the space provided, opposite the name of the candidate he or she wishes to vote for and fold it. The Member shall then leave the booth and place the marked ballot paper in the ballot box at the dispatch area.

The polling booths are on my extreme left and right as displayed appended on today's Order Paper.

**Hon. Members**, Standing Order No. 7(4) provides that a Member who, before the conclusion of a ballot has marked a paper in error may, by returning it to the Clerk, obtain another in its place and the Clerk shall immediately cancel and destroy the paper so returned. For clarity, the first one shall be marked "cancelled" and "destroyed". Therefore, **Hon. Members**, once you go to the booth and make a wrong mark, do not proceed with the vote.

**Hon. Members**, when it appears to the Clerk, the returning officer, that all Members who are present and who wish to vote have placed their ballot papers in the ballot box, the Clerk shall unlock the box, examine the ballot papers and, having rejected those unmarked or spoilt, report the result of the ballot; and no Member who has not already recorded his or her vote shall be entitled to do so after the Clerk has unlocked the ballot box.

Standing Order No. 7(7) as read together with Standing Order No. 7(8) provides that, "*a ballot paper is spoilt, if in the Clerk's opinion, it does not identify the candidate purported to be selected by the Member voting*". "*The Clerk shall declare a ballot paper to be invalid under paragraph 7 in the presence of and after inspection by the Members representing each of the candidates in the election*".

**Hon. Members**, the counting of the ballots shall take place in the presence of all Members and Members appointed as agents or representatives by the candidates. So I will shortly ask for the agents of the candidates to come forward.

**Hon. Members**, in line with the requirement of Standing Order No. 8(1), a person shall not be elected as Speaker unless he or she is supported in a ballot by the votes of two-thirds of all Members. The Assembly is reminded that this two-thirds threshold is not a constitutional requirement. It is a procedural step to ease the election of a Speaker on the first round of ballot. In fact, if your votes will result in attainment of two-thirds in the first round, we will not proceed to the subsequent ballot.

Accordingly, **Hon. Members**, if no candidate shall not be supported by the votes constituting two-thirds of all Members, the candidate or candidates who received the highest number of votes in the first ballot and the candidate or candidates who in that ballot

received the next highest number of votes shall alone stand for election in a further ballot. At the end, the candidate who shall receive the highest number of votes in the further ballot shall be elected Speaker, and I will declare so.

**Hon. Members,** I wish to remind the Assembly that the voting exercise we are about to undertake is by **secret ballot** as earlier communicated.

Accordingly, Members are not allowed to display their marked ballot papers to the Assembly, the galleries or to any other person. Members of the media are also reminded to observe rule 3(c) of the Assembly Broadcasting Rules, which provides that: *“Wide-angle shots of the Chamber shall be used during voting and Division and no shot shall be taken so as to show the manner in which a Member has voted in any secret ballot.”*

**Hon. Members,** we have arranged the two voting booths on my extreme left and right. For convenience of the Assembly, Members on my right side will cast their ballots in the voting booth to my right and vice-versa. We are now ready to commence the voting process. But before we start, may the agents or representatives for the candidates please come forth? Agent for –

- (i) Hon. Kennedy Okeyo Ng’ondi; and**
- (ii) Mr. Hassan Robow Mohammed.**

Having explained the voting procedure, I now direct the Sergeant-at-Arms to open the ballot box and display it to the Assembly.

**Hon. Members,** you have all witnessed for yourselves that the ballot box is empty, in which case I now direct the Sergeant-at-Arms to close it and seal it.

**Hon. Members,** we are now ready to vote. I now direct the Clerks at the table to call out the names starting with the Members with disability and then proceed with the order as it appears in the Order Paper. However, in the interest of accountability and convenience during the process, we shall have respective agents cast their votes before then. Kindly note that the agents will remain at the dispatch area throughout the process after casting their votes. I therefore call upon the agents to proceed and vote:

- 1. Agent for Hon. Kennedy Okeyo Ng’ondi*
- 2. Agent for Hassan Robow Mohammed.*

I now call upon the Clerks at the Table to call out the first name.

**10. ELECTION OF THE SPEAKER**

The Clerk explained the procedure for the election of the Speaker pursuant to the provisions of Article 178 of the Constitution and Standing Order No.s 5 to 13. The ballot box was opened and displayed to the assembled Members of the County Assembly and subsequently locked before voting commenced thereon.

Having outlined the rules on election of the Speaker, each Member of the County Assembly present was issued with a ballot paper.

At the conclusion of the voting, the Clerks counted the votes at the Table of the County Assembly, in the presence of the following Members of the County Assembly who were witnesses for the respective candidates: -

1. Hon. Wilfred Odalo – representing Hon. Kennedy O. Ng’ondi
2. Hon. Clement Ng’ang’a Kamaru – representing Mr. Hassan Robow Mohammed.

The Clerk announced the results of the first ballot as follows: -

<b>Name</b>	<b>Votes</b>
1. Hon. Kennedy Okeyo Ng’ondi	71
2. Hassan Robow Mohammed	52
3. Votes spoilt/Disputed	0
<b>Total</b>	<b>123</b>

***Direction for the Second Ballot***

**The Clerk conveyed the following guidelines: -**

Hon. Members, Standing Order 8(1) requires that for a person to be elected Speaker of the County Assembly, he/she must garner two thirds of the total membership of the County Assembly. Two Thirds of 124 Members is 81 Members. Therefore, as per the results I have just announced, none of the candidates has reached the threshold. Therefore, I will invoke Standing Order 8 (2) which qualifies Standing Order No. 8(1)

Hon. Members, the said Standing Order 8(2) that provides and I quote, “8 (2) *If no candidate is supported by the votes of two-thirds of all Members, the candidate or candidates who received the highest number of votes in the ballot referred to in paragraph (1) and the candidate or candidates who in that ballot received the next highest number of votes, shall alone stand for election in a further ballot and the candidate who receives the highest number of votes in the further ballot shall be elected Speaker*”.

Accordingly, Hon. Members, these two candidates, namely, Hon. Kennedy Ng'ondi and Mr. Hassan Robow Mohammed will proceed for the second ballot. Members will proceed for a further ballot, but because I am aware some Members may have taken leave, I am asking the Sergeant-at-Arms to ring the Bell for 15 minutes to ask them to come in so that we can go for a second ballot. In the meantime, I direct my officers to prepare ballot papers and other necessary measures for this second ballot.

Welcome back Hon. Members. We are now ready to take the second ballot. May I remind the Assembly that the election we are about undertake is by secret ballot and the rules that guided the first ballot shall largely apply in this round. Once again, the booths are appropriately located on my extreme right and left, hence, for the convenience of the Assembly, Members seated on the left shall vote on the left side booth and *vice versa*.

Hon. Members, the procedure during the first ballot will apply where the Clerk at the Table will call out the names and the Members so called shall proceed to collect a ballot paper at the dispatch box. The Member shall then proceed to mark his or her ballot paper by placing a visible mark in the space provided, opposite the name of the candidate he or she wishes to vote for. May I remind the Assembly that there are only two candidates involved in this further ballot, that is, Hon. Kennedy Ng'ondi and Mr. Hassan Robow Mohammed.

Hon. Members, I will now direct the Sergeant-at-arms to open the ballot box and display it to the Assembly. Hon. Members, as you may see, the ballot box is empty. Therefore, my officers will now lock the box and seal it.

Hon. Members, the Clerks-at-the Table will call out names in the Order of the list annexed on today's Order Paper. Hon. Members, we are now ready to vote and we shall begin with the Members living with disabilities then proceed with Members in order as it appears on the Order Paper. However, in the interest of accountability, good order and convenience during this process, we shall have the candidates and their respective agents cast their votes first, immediately thereafter, the sergeant-at-arms will escort the two candidates outside the Chamber. I presume the same agents will stand in for the candidates, may I call upon the agents to come forward and cast their votes first:

Kindly note that the agents will remain at the dispatch area throughout the process. I now call upon the Clerks at the Table to call out the first name.

The Clerk explained the procedure for the election of the Speaker pursuant to the provisions of Article 178 of the Constitution and Standing Order No.s 5 to 13. The ballot box was opened and displayed to the assembled Members of the County Assembly and subsequently locked before voting commenced thereon.

Having outlined the rules on election of the Speaker, each Member of the County Assembly present was issued with a ballot paper.

At the conclusion of the voting, the Clerks counted the votes at the Table of the County Assembly, in the presence of the following Members of the County Assembly who were witnesses for the respective candidates: -

1. Hon. Wilfred Odalo – representing Hon. Kennedy O. Ng’ondi
2. Hon. Joseph Karanja Ndung’u – representing Mr. Hassan Robow Mohammed.

The Clerk announced the results of the second ballot as follows: -

<b>Name</b>	<b>Votes</b>
1. Hon. Kennedy Okeyo Ng’ondi	68
2. Hassan Robow Mohammed	55
3. Votes spoilt/Disputed	0
<b>Total</b>	<b>123</b>

The Clerk thereupon declared Hon. Kennedy Ng’ondi duly elected Speaker by majority votes.

Consequently, Hon. Kennedy Ng’ondi was escorted to the Chamber of the Assembly by the Sergeant-at-Arms;

Thereupon, the Clerk administered the Oath of Office to the Speaker;

The Speaker submitted himself to the will of the County Assembly and gave the following communication.

**Directions on the Order in the Assembly**

The Clerk conveyed the following directions: -

**“Hon Members**, having been duly elected as the speaker, declared as such and taken the oath of office, the Hon. Kennedy Ng’ondi has proceeded to rob, that is, put on the official regalia for the office. Accordingly, I have the following communication to convey regarding order in the county assembly: -

**Hon Members**, the Assembly having been properly constituted in terms of Standing Order No. 35, which provides that quorum of the County Assembly shall be a third of its members and the membership of the county Assembly having participated in the election and dully elected the **Hon. Kennedy Okeyo Ng’ondi** as the Speaker of the Assembly, it is prudent for the Assembly to understand and appreciate that order shall be maintained in the County Assembly at all times.

**Hon. Members**, as you will appreciate in the coming days the County Assembly is an Assembly of Rules and Procedures. Particularly, whenever the Speaker leaves or enters the Assembly, he/she shall always have a procession. In accordance with Standing Order 3, the Mace shall form part of the procession of the Speaker. Hon. Members, you are reminded that at all times when the Speaker’s procession is making its way to the Assembly, you shall remain standing until such a time the Speaker takes his/her seat.

**Hon. Members**, you are also reminded that once the Mace is positioned at its designated place in the chamber, in accordance with Standing Order 109 you shall bow to the Chair when coming to the chamber, when passing to or from your seat or across the Floor of the County Assembly.

Lastly **Hon. Members**, you are further reminded that under Standing Order 108, whenever the Speaker rises from his/her seat, you shall remain silent and any Member then speaking or offering to speak shall resume his or her seat and all members are expected to be seated and be silent so that the Speaker is heard without interruption.

Therefore, I now direct that we maintain order as the Speaker’s procession will be entering the County Assembly in the coming minutes. Thank you.”

**11. COMMUNICATION FROM THE CHAIR - ACCEPTANCE SPEECH BY THE SPEAKER**

The Speaker, having been sworn in, proceeded to give his acceptance speech in the following Communication from the Chair-

***“Hon. Members,  
The Clerk of the County Assembly,  
Distinguished guests,  
Ladies and Gentlemen,***

I wish to express my sincere gratitude to the entire house for the honour you have bestowed upon me by electing me to be the Speaker in this 3<sup>rd</sup> Assembly of Nairobi City County. I am humbled by the trust, confidence and faith you have expressed in me and I submit myself to the will of this Assembly to serve you as Speaker.

**Hon. Members**, by bestowing on me this honored task, I promise to serve you with utmost commitment, enthusiasm, impartiality and high degree of efficiency. I undertake to at all-time carry out my duties of Speaker with diligence, dignity, honour and with high fidelity to the Constitution of Kenya and the law established.

**Hon. Members**, I will strive to be accessible to every Member of this Assembly and ensure that we work together for the wellbeing of our great County.

**Hon. Members**, the advent of devolution breathed a new life in the architecture of Kenyan governance structure. We can confidently affirm that much of the development being witnessed in Kenya today is a product of devolution. In all this arrangement, the role of the County Assembly is well cut-out and cannot be understated. However, I must mention that Nairobi as a City County still faces various challenges such as traffic congestion, garbage heaps, inadequate housing, informal settlements, water shortage amongst others. I am sure that some of these challenges will be addressed through robust legislation and oversight by this Assembly. To this end, we have no time to waste.

**Hon. Members**, as your Speaker, I want to emphasize that I shall ensure that the County Assembly delivers on its mandate. I will be at the forefront in protecting the interest of Members to ensure that you deliver on your triple roles of oversight, legislation and representation. I know we shall have more forums to deliberate on these issues. Indeed, the County Assembly has organized a six days induction program at a venue that shall be communicated in due course to ensure that you are adequately prepared to perform your tasks.

Accordingly, **Hon. Members**, in your work, I urge you to promote a spirit of give and take and to compromise so that we as much as it is possible deliver in a by-partisan manner. There is no law that once enacted, only benefits those who voted for the Majority or the Minority party. Every legislation affects the residents of this County. There is no budget that is only for a specific function of this City. I urge all of us to never lose psyche of this greater good. Indeed, **Hon. Members**, the

Assembly is meant to bring those opposing ideas to the table. As part of that process, they will necessarily be disagreements, which are the nature of multi-party democracy. Competing ideas does not mean enmity neither does it mean demeaning each other.

**Hon. Members**, you will agree with me that today has been a long day today. However, before I conclude, I want to congratulate all of you for being elected to this 3<sup>rd</sup> Assembly. Most of you having gone through the electoral process, you all agree with me that this is not an average achievement. Congratulations!

At this juncture, **Hon. Members**, I wish to recognize in a special way long serving Members who have been re-elected to this Third Assembly. In particular, I recognize **Hon. Paul Kiguathi Kados**, Member for Mihang'o Ward who was first elected to the defunct City Council during the second multiparty elections in 1997 and has since then never lost in elections. Mheshimiwa we grateful for your 25 years of service to this great City. Other Members I wish to mention include; **Hon. Robert Mbatia** who is doing his fourth term, Honourables, **Chege Mwaura, Anthony Kiragu, Peter Imwatok, Fredrick Njogu, Wilfred Odalo** and **Moses Ogeto**, all of whom are doing their third terms. To the newly elected Members, I am sure you will learn one or two things from these veterans.

**Hon. Members**, I am also encouraged by the large number of young Members who have beaten all odds to be elected to this Assembly. I am sure you come with fresh knowledge ready to transform this rapidly changing City. Lastly, to the lady Members who were elected to this Assembly **on 9<sup>th</sup> August, 2022 namely Honourables Waithera Chege, Hon. Susan Makungu, Hon. Masitsa and Hon. Scolastica Mande** we are proud of you and am sure you are an encouragement to the women folk.

Lastly **Hon. Members**, I wish to thank my family for the support thus far. To the officers of the County Assembly, led by the Clerk, Mr. Edward Gichana I wish to commend you for the manner in which you have conducted this process including the pre-swearing in sessions. I request you to continue facilitating Hon. Members with this elevated degree of proficiency, professionalism and impartiality.

**Hon. Members**, before I call on the Clerk to take us through the next Order, permit me to recognize and appreciate all Members of the public, some of whom are your immediate family Members, that have come to witness this rare occasion that happens only once in five years.

**God bless you all, God bless this great County."**

**12. PROCEDURE TO BE FOLLOWED IN ELECTION OF THE DEPUTY SPEAKER**

The Clerk conveyed the following communication:-

**“Hon. Speaker,** I have a report to make regarding the procedure to be followed in the election of the Deputy Speaker. If it pleases the Assembly, for purposes of the said Election, I am the Returning Officer.

**Hon. Speaker, Hon. Members,** Article 178(1) of the Constitution provides, *“that each County Assembly shall have a Speaker elected by the County Assembly from among persons who are not members of the Assembly.*

Further, Article 178(2) (b) provides that *“in the absence of the speaker, another Member of the Assembly elected by the Assembly shall preside over a sitting of the County Assembly”*. In furtherance of the foregoing, Section 9A (1) of the County Governments Act, 2012, provides for the Office of the Deputy Speaker in reference to the “Member” cited in Article 178(2) (b) of the Constitution.

In addition, **Hon. Speaker, Hon. Members,** the said Office of Deputy Speaker is provided for under Part IV of the Nairobi City County Assembly Standing Orders.

**Hon. Speaker, Hon. Members,** the Office of the Deputy Speaker became vacant on 9<sup>th</sup> August, 2022 when the term of the Second Assembly lapsed. Standing Order No.17 (1) provides as follows regarding the election of the Deputy Speaker –

*“As soon as practicable after the election of a Speaker following a General Election, a Deputy Speaker shall be elected in accordance with Article 178(2) (b) of the Constitution and as referred to in Section 9(A)(2) of the County Governments) Act, 2012”*

Further, **Hon. Speaker, Hon. Members,** Standing Order No. 17 (3) provides that the Speaker shall preside over the election of the Deputy Speaker. Specifically, Standing Order No.17 (4) provides that the procedure for electing a Deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker. This means that we shall be making reference to Standing Orders No. 5 to 13.

Accordingly, **Hon. Speaker, Hon. Members,** in exercise of the power conferred by Standing Order 6 (*nomination of candidates*), I notified the membership of a vacancy in the Office of the Deputy Speaker of the Nairobi City County Assembly through Gazette Notice No. 11496 of 2022 dated 23<sup>rd</sup> September, 2022. Additionally, I publicized the declaration of the vacancy by advertisement in two newspapers of national circulation. In the notice and adverts, I invited interested persons who qualify to be elected

as Deputy Speaker of the Nairobi County Assembly in accordance with the Constitution to submit their nomination papers for elections as the Deputy Speaker of the Nairobi City County Assembly.

**Hon. Members**, the following candidate(s) collected nomination papers from the office of the Clerk of the Nairobi City County Assembly, namely:

1. Hon. Kiguathi Kados Paul Muiruri
2. Hon. Athman Hashim Kamau
3. Hon. Samora Mwaura

**Hon. Members**, as per the Notice, the Members who collected nomination papers were required to submit the completed nomination papers together with their Curriculum Vitae (CV) to the Office of the Clerk of the County Assembly not later than **9.00 a.m. on 27<sup>th</sup> September, 2022**.

**Hon. Speaker, Hon. Members**, at the close of the nomination period, the said Hon. Members had returned their nomination papers for election. Upon scrutiny, all the Members qualified for election to the Office of the Deputy Speaker in terms of Article 178 (2)(b) of the Constitution, Section 21 (3) of the Elections Acts, 2011 and Section 6 of the County Governments (Amendment) Act, 2020 and Standing Order 17.

**Hon. Speaker, Hon. Members**, as earlier alluded to, the provision of Standing Order No.12 applies in respect to the election of a Deputy Speaker as provided for in Standing Order No. 15 which provides that: *“The procedure for electing a Deputy Speaker shall, with necessary modifications, be the same as that prescribed for the election of the Speaker”*.

**Hon. Speaker, Hon. Members**, I have received the withdrawal of Hon. Athman Hashim and Hon. Samora Mwaura has withdrawn his candidature and in this regard and pursuant to the provision of Standing Order 12, which provides that if there is only one candidate who has been duly nominated for election as Speaker at the expiry of the nomination period, that candidate shall be declared forthwith to have been elected Speaker without any ballot or vote being required, I therefore declare one Hon. Paul Kados, MCA duly elected as the Deputy Speaker of the Nairobi City County Assembly.

Hon. Members, I now invite the Hon. Speaker to proceed with the necessary steps to admit the said Member to the Office of Deputy Speaker of the Nairobi City County Assembly.

Thank you, Hon. Speaker.”

**13. COMMUNICATION FROM THE CHAIR ON THE PROCEDURE UPON DECLARATION OF RESULTS FOR OFFICE OF DEPUTY SPEAKER**

The Speaker issued the following Communication -

“**Hon. Members**, the Clerk having declared that the said **Hon. Paul Kiguathi Kados is** duly elected as the Deputy Speaker of the Nairobi City County Assembly in the Third Assembly, I now direct that the said Hon. **Paul Kiguathi Kados** be searched and brought to the Assembly.

**14. ACCEPTANCE SPEECH TO THE OFFICE OF DEPUTY SPEAKER OF THE COUNTY ASSEMBLY**

“**Hon. Speaker**, may I first of all be the first one to congratulate you on your election as the Speaker of this Honorable Assembly. I know you are equal to the task ahead of you.

Secondly, Hon. Speaker, Hon. Members, I wish to express my sincere appreciation to the all Hon. Members for electing me as the Deputy Speaker. I promise to carry out my duties of Deputy Speaker with utmost dedication, fidelity to the law and impartiality. I know my roles are well elaborated in the Statute and our Standing Orders. Above all, as you’re Deputy, Hon. Speaker, I promise to fully support you as you lead and give direction to the Assembly.

Once again Hon. Members, I humbled and truly thank you for believing in me.

God bless you all.

I thank you”

**15. COMMUNICATION FROM THE CHAIR ON THE ADJOURNMENT OF THE ASSEMBLY**

The Speaker issued the following Communication -

“**Hon. Members**, Standing Order No.14 (1) states: “*Immediately after taking and subscribing to the Oath or Affirmation of Office under Standing Order No. 13 (Swearing-in of the Speaker), the Speaker shall notify the Members of the place, date and time of the opening of County Assembly.*” Further, Standing Order No.14 (2) provides that, “*following the notification by the Speaker under paragraph (1), the sitting of the County Assembly shall stand adjourned until the date and time of the opening of County Assembly.*”

Separately, **Hon. Members**, Standing Order No. 22 provides that, “*The Governor shall address the opening of each newly elected County Assembly.*” **Hon. Members**, consequently, I wish to notify you that I shall communicate the place, date and time of the official opening of the County Assembly in due course after consulting the leadership of the Assembly and H.E the Governor.

In this regard, **Hon. Members**, Standing Order 22 provides that the Largest Party or Coalition of Parties in the County Assembly shall designate Members of the County Assembly belonging to the party or coalition of parties to be the Leader of the Majority, Deputy Majority Party Leader, Majority Party Whip, and Deputy Majority Whip. On the other hand, Standing Order 23 provides that the Second Largest Party or Coalition of Parties in the County Assembly shall designate members of the County Assembly belonging to the party or coalition of parties to be the Leader of the Minority Party, Deputy Minority Party Leader, Minority Party Whip, and Deputy Minority Whip. In designating the said Members, the parties or coalition of parties are required to take into account any existing coalition agreement entered into pursuant to the Political Parties Act, 2011 and the need for gender balance. In addition, **Hon. Members**, Section 12 (3) of the County Governments Act, 2012 provides that political parties represented in the county assembly shall nominate two members of the county assembly to the County Assembly Service Board according to their proportion of members in the county assembly.

In view of the above, I am in receipt of a communication from the Azimio la Umoja-One Kenya Coalition, a coalition comprising of ODM, Jubilee and Wiper Political Parties and which is the outright Majority Coalition in the Assembly with sixty-seven (67) Members designating the following Hon. Members to the following leadership positions: -

1. **Hon. Jateso Peter Imwatok - Majority Party Leader**
2. **Hon. John Ndile Musila- Deputy Majority Party Leader**
3. **Hon. Moses Ogeto - Majority Party Whip**
4. **Hon. Stazo Omung'ala - Deputy Majority Party Whip**
5. **Hon. Catherine Apiyo Okoth - County Assembly Service Board Member**

Accordingly, I wish to congratulate the said Hon. Members on their designation and inform that they shall assume their respective leadership positions with immediate effect.

In the same spirit, I will be expecting the Kenya Kwanza coalition, comprising of UDA and Chama cha Kazi Political Parties and which is the second largest coalition in the Assembly, with fifty-three (53) Members, to designate and communicate its leadership in the House so that we can commence our legislative agenda as soon as possible.

**Hon. Members**, before we adjourn, allow me to invite you for high tea and other hospitality services organized by the Assembly in celebration of the occasion of this First sitting at Charter Hall, just adjacent to this Chamber.

**Hon. Members,** with that, the Assembly will now stand adjourned and will resume on a date to be communicated.

Thank you.”

There being no other business and the time being twelve minutes to six O'clock, the Speaker adjourned the Assembly without question put pursuant to the provisions of the Standing Orders.

**14. ASSEMBLY ROSE** - at twelve minutes to Six O'clock.